IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 5521 of 2006
Date of decision : 19.10.2006.

Om Parkash

.....Petitioner.

Versus

State of Punjab & Ors..

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr. M.K. Singla,Advocate
for the petitioner.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against an order passed by the learned Executing Court declining the request of the petitioner to grant interest on the awarded amount.

The petitioner herein was awarded an amount of Rs. 75293/- by the arbitrator with a specific direction that the petitioner would not be entitled to any future interest. Even though, no interest was payable in the execution application , the State deposited Rs. 1,58,077/- i.e. awarded amount along with interest. However, on coming to know that an excess amount of Rs. 82784/- has been paid to the petitioner herein. An application was moved for refund. The said application has been allowed and the petitioner herein has been directed to refund the amount claimed in excess.

The learned counsel for the petitioner contended that in view of the provisions of Section 31(7)(b) of the Arbitration and Conciliation Act, 1996 the petitioner was entitled to interest @ 18% per annum on the

awarded amount and, therefore, amount was rightly calculated and paid and there was no occasion to refund the same. The claim of the petitioner has been rightly rejected by the learned Court below by holding that in the present case the award of the arbitrator was specific that no future interest would be payable and said award was final qua the parties. In view of specific order by the learned Arbitrator denying future interest provision of Section 31(7)(b) of the Act was not applicable.

It was then contended by the learned counsel for the petitioner that since the payment of awarded amount was made after considerable delay, hence there was equity in favour of petitioner to retain the amount. There is no force in this contention. The petitioner cannot claim equity to retain the amount, obtained wrongly.

No ground. Dismissed.

October 19,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**